

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL NEMECEK,

No. 3:17-cv-00340-YY

Petitioner,

ORDER

v.

TIM CAUSEY,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation on December 21, 2020, in which she recommends that this Court deny Petitioner's Amended Petition for Writ of Habeas Corpus. F&R, ECF 78. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings and Recommendation. Pet. Obj., ECF 80. When any party objects to any portion of the Magistrate

Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

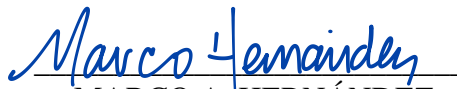
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

### CONCLUSION

The Court ADOPTS Magistrate Judge You Findings and Recommendation [78]. Therefore, Petitioner's Amended Petition for a Writ of Habeas Corpus [42] pursuant to 28 U.S.C. § 2254 is DENIED. Because Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability pursuant to 28 U.S.C. § 2253(c)(1)(A) is also DENIED.

IT IS SO ORDERED.

DATED: February 23, 2022.

  
MARCO A. HERNÁNDEZ  
United States District Judge